UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.96/821
12 October 1993

Original: ENGLISH

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-fourth session

REPORT OF THE FORTY-FOURTH SESSION OF THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

(Geneva, 4 - 8 October 1993)

GE.93-02864

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I. INTRODUCTION

A. Opening of the session

1. The Executive Committee of the High Commissioner's Programme held its forty-fourth session at the Palais des Nations at Geneva from 4 to 8 October 1993. The session was opened by the outgoing Chairman, His Excellency Mr. Juan Archibaldo Lanus (Argentina). He began by requesting a moment of silence in commemoration of the victims of the earthquake which struck India on 30 September 1993.

2. Ambassador Lanus noted that, over the past two years, UNHCR has had to face many new challenges and had achieved some notable successes. The Office's budget had been substantially increased, but the volume of refugee flows had risen still more sharply. Far from diminishing, the number of conflicts worldwide was on the increase. In the former Yugoslavia alone, more that four million people were now dependent on international aid; over ten per cent of the population of Somalia and Liberia had fled beyond those countries' borders; some 500,000 persons had been displaced as a result of the conflict between Armenia and Azerbaijan; and new flows of refugees from Bhutan and Togo had occurred.

3. Against this sombre background, the outgoing chairman drew attention to UNHCR's achievements, especially in Central America and Cambodia, where voluntary repatriation had taken place on an unprecendented scale, and in Mozambique, where preparations were under way for the largest organized repatriation movement ever carried out by UNHCR.

4. Ambassador Lanus paid a special tribute to UNHCR staff at all levels for their selfless devotion and commitment to the Office's humanitarian ideals, as well as to non-governmental organizations and their many volunteer field workers. He also expressed appreciation to donor countries whose continuing support and solidarity deserved particular thanks. In conclusion, he expressed high esteem for the High Commissioner, whose work and leadership enjoyed the confidence and respect of all delegations.

B. Election of officers

5. Under rule 10 of the Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman:	Ambassador J.F. Boddens-Hosang (Netherlands)
Vice-Chairman:	Ambassador Ahmad Kamal (Pakistan)
Rapporteur:	Mr. Norman José Miranda Castillo (Nicaragua)

C. Representation of the Committee

6. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Denmark, Ethiopia, Finland, France, Germany, Greece, Holy See, Hungary, Iran (Islamic Republic of), Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America and Venezuela.

7. The Governments of the following States were present as observers:

Afghanistan, Angola, Armenia, Bangladesh, Belize, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burundi, Cameroon, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Gabon, Ghana, Guatemala, Honduras, Iceland, India, Indonesia, Iraq, Ireland, Kenya, Kuwait, Latvia, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Mauritania, Mexico, Mozambique, Myanmar, Nepal, New Zealand, Oman, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Ukraine, Uruguay, Viet Nam, Yemen, Zambia and Zimbabwe.

The Sovereign Order of Malta was also represented by an observer.

8. The United Nations system was represented as follows:

Department of Humanitarian Affairs (DHA), United Nations Office at Geneva (UNOG), United Nations Development Programme (UNDP), United Nations Volunteers (UNV), United Nations Environment Programme (UNEP), United Nations Population Fund (UNFPA), United Nations Institute for Training and Research (UNITAR), United Nations Research Institute for Social Development (UNRISD), World Food Programme (WFP), International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Telecommunication Union (ITU), World Meteorological Organization (WMO), United Nations Industrial Development Organization (UNIDO).

9. The following intergovernmental organizations were represented by observers:

Commission of the European Communities, Council of Europe, International Committee of the Red Cross, International Organization for Migration, Islamic Development Bank, League of Arab States, Organization of African Unity, Organization of the Islamic Conference.

10. The Pan Africanist Congress of Azania (PAC) was also represented at the session.

11. A total of 90 non-governmental organizations were represented by observers.

D. Adoption of the agenda and other organizational matters

12. The Executive Committee adopted by consensus the following agenda (document A/AC.96/807):

1. Opening of the session

2 Election of officers

3. Adoption of the agenda and other organizational matters

4. General debate

5. (a) Review of UNHCR programmes financed by voluntary funds in 1992-1993; adoption of the 1994 General Programmes and budget

(b) Status of contributions and overall financial requirements for 1993 and 1994

(c) Administration and management

6. Participation of Government Observer delegations

7. Consideration of the provisional agenda of the forty-fifth session of the Executive Committee

8. Any other business

9. Adoption of the draft report of the forty-fourth session

10. Closing of the session

E. Opening statement by the Chairman of the Executive Committee

13. In his opening statement, His Excellency Mr. J.F. Boddens-Hosang (Netherlands) said that it was an honour for him and his country, which has been a traditional haven for persons seeking sanctuary from persecution, to have been elected as Chairman of the Executive Committee of the High Commissioner's Programme. He pledged that the newly elected Bureau of the Committee, would work closely together for the well-being of UNHCR. He also extended a warm word of gratitude to the High Commissioner for the exceptional skills, perseverance, courage and tenacity with which she has performed her heavy duties.

14. The Ambassador observed that UNHCR had been assuming tasks, such as that of lead agency to help civilian victims of war, which had not been envisioned at the time of its creation. In the Ambassador's view, the Office had proven not only that it was up to the task, but that it was also flexible enough to adjust to constantly evolving and often dangerous circumstances. The Ambassador expressed his admiration for UNHCR's work worldwide and paid tribute to those who had lost their lives in the line of duty.

15. The past year had provided UNHCR with moments both of hope and deep concern. The great strides taken towards the attainment of durable solutions in Cambodia, Ethiopia, north-west Somalia and South Africa had given rise to hope and satisfaction. The Ambassador hoped that Mozambique and Haiti would soon experience the return of refugees in safety and dignity. However, the eruption of new conflicts or the resumption of old ones, and the consequent increase in refugee numbers, aroused deep concern.

16. The Ambassador drew attention to the figure of 24 million internally displaced persons. He remarked that, as stated in the Note on International Protection, the High Commissioner's legal basis for working on their behalf was qualitatively different from that governing UNHCR's work on behalf of refugees in countries of asylum. Without jeopardizing UNHCR's primary role of protection and assistance to refugees, the Ambassador felt there was a need for further thought on the ways and means to enable the High Commissioner to assist the internally displaced, where called upon, and bearing in mind the criteria mentioned in the Note. He hoped that the Committee's debate, as well as further discussions in the Sub-Committee of the Whole on International Protection, would provide new ideas in this field.

17. Ambassador Boddens-Hosang concluded his statement by reminding the Committee that while the right to life, liberty and the security of person was enshrined in Article 3 of the Universal Declaration of Human Rights, not everyone was in a position to exercise this right. The Ambassador exhorted the members of the Executive Committee to work together to help UNHCR to provide protection and assistance to persons described by the eminent Dutch jurist and founder of international humanitarian law, Hugo Grotius, as "those unhappy people who are persecuted by fate but did not by themselves commit any crime".

II. WORK OF THE FORTY-FOURTH SESSION (items 4 to 10)

18. The High Commissioner's opening statement to the Executive Committee is reproduced in the annex to the present report. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the agenda items of the meeting, as well as the closing statements by the Chairman and the High Commissioner, are contained in the summary records of the session (SR.481 to SR.489).

III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE

A. Conclusions on International Protection

1. General Conclusion on International Protection

19. The Executive Committee,

(a) Notes with concern the dimension and complexity of the present refugee problem, the potential risk of new refugee situations and the challenges confronting refugee protection;

(b) Reaffirms the importance of the 1951 Convention and 1967 Protocol relating to the Status of Refugees at the centre of the international legal framework for the protection of refugees;

(c) Welcomes, in this connection, the recent accession or succession of Armenia, Azerbaijan, the Bahamas, Bosnia and Herzegovina, Bulgaria, Cambodia, the Czech Republic, the Republic of Korea, the Russian Federation and the Slovak Republic to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing the number of States parties to one or both instruments to 123, and encourages other States to accede to these instruments and to implement their provisions and thus to promote further international cooperation in responding to and resolving refugee problems;

(d) Recognizes the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems, the exercise of which has become increasingly difficult owing to the increasing numbers of persons in need of protection and the growing complexity of the problems of coerced displacement;

(e) Notes with appreciation that States confronted with refugee situations, including in particular developing countries with limited resources, continue to observe the fundamental principles of international protection, admitting and providing asylum to more than eighteen million refugees, and welcomes the continuing strong commitment of States to provide protection and assistance to refugees and to cooperate with the High Commissioner in the discharge of her international protection responsibilities;

(f) Notes however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, refoulement and unjustified detention, as well as other threats to their physical security, dignity and well-being;

(g) Calls upon States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of non-refoulement;

(h) Stresses the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and

calls upon all States in conjunction with UNHCR to cooperate in efforts to lighten the burden borne by States that have received large numbers of refugees and asylum-seekers;

(i) Reiterates the importance of establishing and ensuring access consistent with the 1951 Convention and the 1967 Protocol for all asylum-seekers to fair and efficient procedures for the determination of refugee status in order to ensure that refugees and other persons eligible for protection under international or national law are identified and granted protection;

(j) Recognizes that in certain regions the arrival and presence of large numbers of applicants for asylum and refugee status who have no valid claim to international protection creates serious problems both for refugees and for the States concerned by adversely affecting the institution of asylum, jeopardizing the effectiveness of national procedures for the determination of refugee status, and preventing the prompt and effective protection of refugees;

(k) Stresses the usefulness of measures to promote the prompt determination of refugee status in fair procedures, and recognizes the advisability of concluding agreements among States directly concerned, in consultation with UNHCR, to provide for the protection of refugees through the adoption of common criteria and related arrangements to determine which State shall be responsible for considering an application for asylum and refugee status and for granting the protection required, and thus avoiding orbit situations;

(l) Emphasizes that such procedures, measures and agreements must include safeguards adequate to ensure in practice that persons in need of international protection are identified and that refugees are not subject to refoulement;

(m) Supports the further exploration by the High Commissioner and States of various asylum strategies, such as temporary protection, in relation to persons compelled to flee their countries in large numbers and who are in need of international protection, pending the identification of an appropriate solution, and reaffirms the importance of Executive Committee Conclusion No. 22(XXXII) on Protection of Asylum-Seekers in Situations of Large-Scale Influx;

(n) Recognizes the importance of addressing prevention, protection and solutions on a comprehensive regional basis, and encourages the High Commissioner to consult with States, the United Nations Department of Humanitarian Affairs (DHA), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and other relevant international organizations and regional bodies on possibilities for additional measures and initiatives in specific areas with complex problems of coerced population movements, and to keep the Sub-Committee of the Whole on International Protection and, where appropriate, the Sub-Committee on Administrative and Financial Matters informed;

(o) Looks forward to events commemorating the twenty-fifth anniversary of the adoption by the Organization of African Unity of the OAU Convention governing the specific aspects of refugee problems in Africa as well as the tenth anniversary of the Cartagena Declaration on Refugees and encourages UNHCR to participate actively in their commemoration;

(p) Recognizes the close link between protection, assistance and solutions and supports the High Commissioner's efforts to pursue wherever possible opportunities to promote conditions conducive to the preferred solution of voluntary repatriation, noting with appreciation the Office's development of operational guidelines to further these efforts;

(q) Reaffirms the role of resettlement as an instrument of protection as well as its continuing value as a durable solution in specific circumstances, and suggests that States together with the High Commissioner explore possibilities for the more effective and flexible use of this measure, particularly to meet refugee protection needs;

(r) Encourages the High Commissioner, on the basis of her broad humanitarian experience and expertise, and the particular competence of UNHCR staff in the field, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned and within an inter-agency, intergovernmental and non-governmental framework, as appropriate, and requests the High Commissioner to keep the Sub-Committee of the Whole on International Protection and the Sub-Committee on Administrative and Financial Matters informed of developments;

(s) Recalls paragraph 14 of General Assembly resolution 47/105 and, in this connection, reaffirms its support for the High Commissioner's activities, on the basis of requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, in providing humanitarian assistance and protection to internally displaced persons in specific situations which call for the Office's particular expertise, and notes the establishment by the High Commissioner of criteria for responding to requests to her Office for involvement in such activities, with due regard to the complementary mandates and specific expertise of other relevant organizations as well as the availability of sufficient resources;

(t) Requests the High Commissioner, in pursuance of the need for the international community to explore methods and means to address better within the United Nations system the protection and assistance needs of internally displaced persons, to promote further consultations on this priority issue with the Department of Humanitarian Affairs (DHA) and the Special Representative of the Secretary-General on Internally Displaced Persons, and with other appropriate international organizations and bodies, including the International Committee of the Red Cross, and to report on the results of these discussions to the Sub-Committee of the Whole on International Protection and, as appropriate, the Sub-Committee on Administrative and Financial Matters;

(u) Reiterates that UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined;

(v) Calls upon the High Commissioner to pursue her efforts to ensure the protection of refugee women and girls and reaffirms in this regard its Conclusion No. 64(XLII) on Refugee Women and International Protection and paragraphs (i) to (k) of Conclusion No. 68(XLIII);

(w) Notes with concern the especially vulnerable situation of refugee children and therefore welcomes the High Commissioner's Policy on Refugee Children (EC/SCP/82) and stresses the importance of the Convention on the Rights of the Child as a normative framework for action to protect and care for children of her concern;

(x) Calls upon the High Commissioner to make every effort to ensure that the needs of refugee children, particularly unaccompanied minors, are fully met in UNHCR's overall protection and assistance activities, through inter alia appropriate management support, training and monitoring, and encourages UNHCR to continue its cooperation with Governments, non-governmental organizations and intergovernmental organizations, including in particular the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child, in the implementation of the Policy on Refugee Children and the UNHCR Guidelines on Refugee Children;

(y) Requests the High Commissioner, given the diversity and persistent character of certain obstacles hampering the protection of refugee women and refugee children, in consultation with the Chairman of the Executive Committee, to convene an informal working group of the Committee to examine these obstacles, as well as review options and propose concrete measures to overcome them;

(z) Expresses concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and, while noting recent positive developments, calls upon the international community to continue its endeavours to address satisfactorily their protection needs;

(aa) Notes with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the Office's promotion and training activities with the active support of States and through increased cooperation with bodies and organizations concerned with human rights and international humanitarian law, including the International Institute of Humanitarian Law (San Remo), academic institutions and others involved in the programmes of the Decade of International Law;

(bb) Calls upon States in cooperation with UNHCR and non-governmental organizations to pursue their efforts to foster greater public understanding

and acceptance of people of different backgrounds and cultures with a view to dispelling hostile attitudes and other forms of intolerance towards foreigners;

(cc) Reaffirms its support for the High Commissioner's contributions to concerned international bodies promoting a broader awareness of the close link between safeguarding human rights and preventing refugee problems, and calls upon the High Commissioner to continue her active participation in and cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant bodies and organizations;

(dd) Recognizes that the underlying causes of population displacements are complex and interrelated and include poverty and economic disruption, political conflicts, ethnic and inter-commmunal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and comprehensive manner;

(ee) Welcomes the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

(ff) Notes the importance of availability of and access to objective and accurate information concerning the various causes of coerced displacement in order to facilitate informed decision-making at all stages of refugee situations and supports in this regard the High Commissioner's efforts to develop an appropriate information strategy and to maintain relevant information databases;

(gg) Recognizes the value in recent years of inter-sessional meetings of the Sub-Committee of the Whole on International Protection, and requests the High Commissioner to convene at least one inter-sessional meeting to pursue in-depth consideration of relevant protection issues and to report on progress in the deliberations of the Sub-Committee at its forty-fifth session.

2. Personal Security of Refugees

20. The Executive Committee,

Expressing its deep concern over reports on the alarming frequency of incidents in which refugees and asylum-seekers, including women and children, are subjected to violence and mistreatment including killing,

torture, military or armed attacks, rape, beatings, intimidation, forced recruitment and arbitrary or inhumane conditions of detention,

Reaffirming the responsibility of States to respect and ensure the fundamental human rights of refugees and asylum-seekers to life, liberty and security of person as well as to freedom from torture or other cruel, inhumane or degrading treatment or punishment,

Recalling previous conclusions dealing with the personal security of refugees, in particular, Conclusions No. 22(XXXII) on the Protection of Asylum-Seekers in Situations of Large-Scale Influx and No. 48(XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements,

Stressing the duty of refugees and asylum-seekers to conform to the laws and regulations of the country of asylum and abstain from any activity likely to detract from the exclusively civilian and humanitarian character of refugee camps and settlements,

Reaffirming the fundamental importance of the scrupulous observance of the principle of non-refoulement for the personal security of refugees,

(a) Deplores all violations of the right to personal security of refugees and asylum-seekers, in particular organized attacks or the incitement to violence directed against them;

(b) Urges States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;

(c) Calls upon States vigorously to investigate violations of the personal security of refugees and asylum-seekers, and where possible to institute criminal prosecution, and where applicable strict disciplinary measures, against all perpetrators of such violations;

(d) Calls upon States, in collaboration with UNHCR and, as appropriate, other organizations approved by the Governments concerned, to provide effective physical protection to asylum-seekers and refugees and to ensure safe access for humanitarian assistance and relief workers, where necessary through the recruitment and training of personnel specifically assigned the task of protecting refugees and securing supply routes for humanitarian assistance;

(e) Supports the High Commissioner's activities to monitor the personal security of refugees and asylum-seekers and to take appropriate action to prevent or redress violations thereof, including the expansion of training programmes aimed at enhancing the understanding of refugee

protection among law enforcement officials, other concerned Government personnel, and non-governmental organizations;

(f) Encourages the High Commissioner to develop, share with the Executive Committee and disseminate widely guidelines containing practical measures that States, UNHCR as well as other international and non-governmental organizations can take to further strengthen the physical protection of refugees and asylum-seekers.

3. Refugee Protection and Sexual Violence

21. The Executive Committee,

Noting with grave concern the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

Noting also distressing reports that refugees and asylum-seekers, including children, in many instances have been subjected to rape or other forms of sexual violence during their flight or following their arrival in countries where they sought asylum, including sexual extortion in connection with the granting of basic necessities, personal documentation or refugee status,

Recognizing the need for concrete action to detect, deter and redress instances of sexual violence to effectively protect asylum-seekers and refugees,

Recognizing further that the prevention of sexual violence can contribute to averting coerced displacement including refugee situations and to facilitating solutions,

Stressing the importance of international instruments relating to refugees, human rights and humanitarian law for the protection of asylum-seekers, refugees and returnees against sexual violence,

Bearing in mind the draft Declaration on the Elimination of Violence against Women adopted by the Commission on the Status of Women as well as other measures being taken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, the Security Council and other bodies of the United Nations to prevent, investigate and, as appropriate, according to their mandates, punish sexual violence,

Reaffirming its Conclusions No. 39(XXXVI), No. 54(XXXIX), No.60(XL) and No.64(XLI) concerning refugee women,

(a) Strongly condemns persecution through sexual violence, which not only constitutes a gross violation of human rights, as well as, when

committed in the context of armed conflict, a grave breach of humanitarian law, but is also a particularly serious offense to human dignity;

(b) Urges States to respect and ensure the fundamental right of all individuals within their territory to personal security, inter alia by enforcing relevant national laws in compliance with international legal standards and by adopting concrete measures to prevent and combat sexual violence, including:

(i) the development and implementation of training programmes aimed at promoting respect by law enforcement officers and members of military forces of the right of every individual, at all times and under all circumstances, to security of person, including protection from sexual violence,

(ii) implementation of effective, non-discriminatory legal remedies including the facilitation of the filing and investigation of complaints against sexual abuse, the prosecution of offenders, and timely and proportional disciplinary action in cases of abuse of power resulting in sexual violence,

(iii) arrangements facilitating prompt and unhindered access to all asylum-seekers, refugees and returnees for UNHCR and, as appropriate, other organizations approved by the Governments concerned, and

(iv) activities aimed at promoting the rights of refugee women, including through the dissemination of the Guidelines on the Protection of Refugee Women and their implementation, in close cooperation with refugee women, in all sectors of refugee programmes;

(c) Calls upon States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

(d) Supports the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;

(e) Recommends the development by States of appropriate guidelines on women asylum-seekers, in recognition of the fact that women refugees often experience persecution differently from refugee men;

(f) Recommends that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including

culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;

(g) Recommends that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;

(h) Reiterates the importance of ensuring the presence of female field staff in refugee programmes, including emergency operations, and the direct access of refugee women to them;

(i) Supports the High Commissioner's efforts, in coordination with other intergovernmental and non-governmental organizations competent in this area, to develop and organize training courses for authorities, including camp officials, eligibility officers, and others dealing with refugees on practical protection measures for preventing and responding to sexual violence;

(j) Recommends the establishment by States of training programmes designed to ensure that those involved in the refugee status determination process are adequately sensitized to issues of gender and culture;

(k) Encourages the High Commissioner to pursue actively her efforts, in cooperation with bodies and organizations dealing with human rights, to increase awareness of the rights of refugees and the specific needs and abilities of refugee women and girls and to promote the full and effective implementation of the Guidelines on the Protection of Refugee Women;

(l) Calls upon the High Commissioner to include the issue of sexual violence in future progress reports on the implementation of the Guidelines on the Protection of Refugee Women;

(m) Requests the High Commissioner to issue as an Executive Committee document and disseminate widely the Note on Certain Aspects of Sexual Violence against Refugee Women.

B. Decision on the In-depth Evaluation of the Programme on International Protection of and Assistance to Refugees: Office of the United Nations High Commissioner for Refugees

22. The Executive Committee,

Having noted the Report of the Secretary-General entitled In-depth evaluation of the programme on international protection of and assistance to refugees: Office of the United Nations High Commissioner for Refugees (E/AC.51/1993/2) and the report of the Committee for Programme and Coordination thereon (A/48/16 (Part I)),

(a) Welcomes the opportunity to review more closely the recommendations of the in-depth evaluation;

(b) Requests the High Commissioner to keep the Sub-Committee of the Whole on International Protection informed of the progress and constraints in the implementation of the protection-related recommendations;

(c) Asks that UNHCR consider in a systematic fashion and present to the Sub-Committee on Administrative and Financial Matters, before the next regular session of the Executive Committee, the recommendations of the In-depth Evaluation of UNHCR's Programme on International Protection of and Assistance to Refugees (E/AC.51/1993/2) as well as the recommendations and conclusions of the Committee on Programme and Coordination (CPC) on the evaluation study with particular attention to issues related to the definition of a proper accountability framework for UNHCR, strategic planning and result-based management.

C. Conclusion on the Implementation of the Policy on Refugee Women

23. The Executive Committee,

Having considered UNHCR's Policy on Refugee Women: An Evaluation Summary (EC/1993/SC.2/CRP.27),

Reaffirming previous conclusions dealing with the protection and assistance of refugee women, in particular, the conclusions on refugee women adopted by the Executive Committee at its forty-third session (A/AC.96/804, para. 30) and forty-second session (A/AC.96/783, para. 24),

Recalling Making the Linkages: Protection and Assistance Policy to Benefit Refugee Women (EC/1993/SC.2/CRP.16),

Also recalling the Note on Certain Aspects of Sexual Violence Against Refugee Women (EC/1993/SCP/CRP.2),

Noting that the Fourth World Conference on Women will take place in September 1995,

Underlining the important role of non-governmental and government partners in the successful implementation of UNHCR's Policy on Refugee Women,

(a) Commends the High Commissioner on the implementation of various initiatives in support of refugee women;

(b) Notes with concern, however, that barriers still remain to the full implementation of the Policy on Refugee Women;

(c) Calls on the High Commissioner to continue to assure active management support for a concerted effort in the implementation of the Policy on Refugee Women as well as to reinforce the role of the Senior Coordinator for Refugee Women in this process;

(d) Calls on the High Commissioner to reinforce the capacity of existing programming staff at the Headquarters, local and regional levels to support the work of the Senior Coordinator for Refugee Women;

(e) Urges the High Commissioner to provide more active field monitoring of the implementation of the Policy on Refugee Women and to consider strengthening of focal points at the local and regional levels;

(f) Urges the High Commissioner to continue to expand training activities related to improved programming for refugee women;

(g) Requests the High Commissioner to utilize UNHCR's public information activities in order to encourage greater support of UNHCR's policy and programmes for refugee women among other United Nations agencies, non-governmental organizations and the general public;

(h) Requests the High Commissioner to provide to the forty-fifth session of the Executive Committee a report on the implementation of the recommendations of the evaluation.

D. Conclusion on Repatriation to Afghanistan

24. The Executive Committee,

Reaffirming the importance and significance of voluntary repatriation as the most preferred durable solution to the refugee problem,

Noting Executive Committee Conclusions 18(XXXI) and 40(XXXVI), which underline the importance of promoting and facilitating voluntary repatriation,

Emphasizing that voluntary repatriation is a long-term multi-dimensional and complex process, especially when it has been delayed for a long time,

Recalling, once again, that Afghan refugees constitute the sole largest refugee caseload in the world,

Expressing concern over the continuing suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Fully aware of the fact that repatriation is feasible and conducive to a lasting solution only when the necessary integration facilities for the returnees are provided in the country of origin, especially in the case of Afghanistan where the long-lasting war has led to the total destruction of infrastructures;

Encouraged by the progress achieved in the voluntary repatriation from Pakistan and the Islamic Republic of Iran of almost 2.5 million Afghan refugees;

Concerned that lack of reintegration possibilities within Afghanistan including, inter alia, the landmines which have posed danger to the lives of returnees and decreasing international assistance has hampered the viability of this operation and well-being of the remaining Afghan refugees;

(a) Urges the international community and particularly Member States of the Executive Committee of the High Commissioner's Programme, as well as non-governmental organizations (NGOs) to contribute generously to humanitarian programmes in Afghanistan and the ongoing repatriation operation from Pakistan and the Islamic Republic of Iran.

E. Conclusion on the International Conference on Central American Refugees

25. The Executive Committee,

Taking into account the valuable contribution made by the International Conference on Central American Refugees (CIREFCA) to the peace process initiated by the Central American Presidents through the adoption of the Procedure for the Establishment of a Firm and Lasting Peace in Central America (Esquipulas II),

Recognizing with satisfaction the efforts effected by the Central American countries, Belize and Mexico in fulfilment of the principles and objectives of the CIREFCA Concerted Plan of Action, to accomplish, through consensus-building activities amongst all parties, feasible, durable and dignified solutions to the problem of uprootedness in the Central American region, as an integral part of the efforts undertaken for the achievement of a firm and lasting peace,

Bearing in mind the crucial importance which the regional platform and the consensus-building mechanisms at regional, national and local level have had within the CIREFCA process,

Taking into account that the extension until May 1994 of the duration of the CIREFCA Concerted Plan of Action enables considerable progress in the consolidation of indispensable objective conditions to ensure the successful reintegration of returnees and internally displaced populations into their communities of origin or resettlement, as well as the integration of refugees in countries of asylum,

Recognizing that within the framework of CIREFCA important technical improvements have been achieved for assisting uprooted populations, among others, the systematic inclusion of the gender focus in programmes and implementation of initiatives of Quick Impact Projects (QIPs), with the aim of establishing the necessary linkage between emergency assistance and development,

Recognizing also that the CIREFCA process has benefited from a solid respect for mutually agreed principles, and taking note of the effort made in updating the document entitled, "Principles and Criteria for the

Protection and Assistance to Central American Refugees, Returnees and Displaced Persons in Latin America", submitted to CIREFCA in May 1989,

Highlighting the commitment of the CIREFCA member countries to promote actions to protect and safeguard the environment in the framework of the policies for attention to uprooted populations,

Recognizing as well the important contribution of the Development Programme for Refugees, Returnees and Displaced Persons in Central America (PRODERE), which introduced an innovative approach to alleviate the situation of uprooted populations in the region,

Taking into account the generous support provided by the international community for the financing and implementation of priority proposals presented by the affected countries within the framework of CIREFCA,

Convinced that peace, liberty, development, democracy and respect for human rights are essential to resolve the problem of uprooted populations in the region,

(a) Reaffirms its support for the efforts in favour of uprooted populations carried out in the final phase of the CIREFCA process by the Central American countries, Belize and Mexico, especially regarding the promotion of respect for fundamental principles in the field of protection and human rights;

(b) Also supports the Central American countries, Belize and Mexico in the efforts undertaken to guarantee adequate attention to uprooted populations during the post-CIREFCA period, and makes a special appeal to the international community and the United Nations System, in particular to the United Nations Development Programme (UNDP) and UNHCR to continue promoting the consolidation of consensus-building fora at regional, national and local level, as well as the full inclusion of the principles of protection and human rights relevant to uprooted populations into national legal regulations of the affected countries;

(c) Urges the international community to develop innovative approaches in order to ensure the transition from repatriation assistance to development cooperation with special emphasis on social programmes aimed at combatting extreme poverty;

(d) Encourages the international community as a whole to ensure its continued support for humanitarian programmes, as required, carried out in favour of uprooted populations beyond May 1994, especially in Guatemala;

(e) Calls upon the international community to ensure its support for CIREFCA projects which ensure protection of the environment in dealing with uprooted populations;

(f) Reiterates its support for the lead-agency role assumed by UNDP since July 1993, in joint UNHCR/UNDP activities in support of CIREFCA, to reinforce processes of reintegration and/or integration and to ensure the

full inclusion of CIREFCA target populations into activities aimed at sustainable human development;

(g) Appeals to the Governments of the affected countries to emphasize the participation of the beneficiaries, taking into consideration gender sensitivities, in current and future programmes for the benefit of uprooted populations, with the objective of reinforcing the community approach of development programmes and facilitating their rapid implementation;

(h) Reiterates its appeal to the Governments of the affected countries to ensure that CIREFCA target populations are duly incorporated into sectoral activities in line with their national development programmes;

(i) Conveys its appreciation for the active participation of UNHCR throughout the CIREFCA process and urges that the valuable lessons learned through such an integrated approach be applied, as appropriate, in other regions of the world;

(j) Also urges UNHCR to disseminate widely, in Latin America and elsewhere, as appropriate, the norms and principles of international protection implemented within the framework of CIREFCA, as well as the humanitarian practices deriving from the implementation of the CIREFCA Plan of Action in the field of international protection;

(k) Emphasizes the importance of ensuring, upon CIREFCA's conclusion in May 1994, specific incorporation of the needs of refugees, returnees and displaced populations into UNDP's post-CIREFCA strategy and, to this end, requests UNHCR and UNDP to jointly convene an informal technical meeting, before end 1993, and to invite countries of the CIREFCA Follow-up Committee and the international donor community;

(l) Recognizes the invaluable contribution of non-governmental organizations (NGOs) on behalf of uprooted populations throughout the CIREFCA process and urges the governments of the convening countries, UNDP and other relevant United Nations agencies to intensify their mutual cooperation in the post-CIREFCA period;

(m) Requests UNHCR, jointly with UNDP, to provide a final report to the international community on the CIREFCA process, including an analysis of achievements, obstacles and pending tasks.

F. Conclusion on the Comprehensive Plan of Action for Indo-Chinese Refugees

26. The Executive Committee,

Reaffirming its support for the fundamental principles underlying the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA),

Recognizing with satisfaction the progress made in 1993 in the implementation of the CPA, in particular the substantial drop in the number of clandestine departures which could be attributed to the expansion of the

mass information campaign, the regular departure programmes and the Orderly Departure Programme, the continued resettlement of Vietnamese refugees, the near completion of the refugee status determination in countries of first asylum by mid-1994, in particular the completion of the screening of Vietnamese asylum-seekers in Indonesia on 20 September 1993,

Noting with appreciation that, with international assistance and cooperation, continued voluntary repatriation in 1992 resulted in the return of 16,952 persons, in conditions of safety and dignity,

Taking note of the results of the Sixth Tripartite Thai-Lao-UNHCR Meeting in Savannakhet, Lao People's Democratic Republic, from 15 to 16 July 1993, on the repatriation of Lao refugees and asylum-seekers,

Further noting the Tripartite Talks between the Governments of Indonesia and the Socialist Republic of Viet Nam, and UNHCR, held in Hanoi between 1 and 2 October 1993, which resulted in the conclusion of the Memorandum of Understanding on Principles and Arrangements Relating to Returning Vietnamese Non-Refugees from Indonesia,

(a) Supports the continued voluntary repatriation programme to Viet Nam and the ongoing UNHCR monitoring and reintegration assistance programme in Viet Nam, reiterates the importance attached to the responsibility of States towards their own citizens and the return of persons determined not to be refugees to their country of origin in accordance with the CPA, and draws attention to those screened-out Vietnamese in the countries of first asylum and their early repatriation to Viet Nam;

(b) Urges all parties concerned to continue to reinforce efforts for the return and reintegration of Lao refugees and asylum-seekers from Thailand and neighbouring countries and calls upon the High Commissioner to coordinate with donor countries as well as international development agencies and NGOs to increase the capacity of the Lao People's Democratic Republic to absorb a higher number of returnees;

(c) Invites the resettlement countries to give full support to the finalization of the resettlement programme of the Indo-Chinese refugees;

(d) Welcomes the convening of a formal meeting of the Steering Committee of the CPA in early 1994, preceded by a preparatory meeting, to evaluate the progress achieved in the implementation of the CPA, as well as to review the outstanding issues to be addressed, in particular the solutions within a definite time frame for those who have been determined not to be refugees;

(e) Calls upon the international community to continue to contribute generously to the CPA, in particular for the safe and dignified return of Indo-Chinese asylum-seekers in first-asylum countries to their countries of origin, including the reintegration programmes in both Viet Nam and the Lao People's Democratic Republic, until all the CPA's objectives have been achieved.

G. Conclusion on the PARINAC (Partnership in Action) Process

27. The Executive Committee,

Recognizing the overwhelming demands faced by UNHCR and related agencies with the increasing refugee, returnee and displaced populations worldwide and the resulting need for UNHCR and other United Nations agencies, international organizations and relevant NGOs to undertake more activities aimed at addressing the situation including through the use of their resources and expertise for concerted action in facing these demands,

(a) Welcomes the High Commissioner's establishment of the PARINAC (Partnership in Action) Process with the International Council of Voluntary Agencies, as a means of strengthening and improving UNHCR/NGO collaboration and cooperation in this area;

(b) Welcomes also the process of consultations through the regional preparatory meetings as well as the global conference in Oslo in June 1994;

(c) Affirms the regional and global objectives for PARINAC to adopt guidelines for a common agenda for UNHCR/NGO concerted activities and enhanced operational results in the field, on activities ranging from prevention, emergency response and durable solutions, and to improve the infrastructure and capacity of local NGOs;

(d) Acknowledges the need for broad participation of relevant international and national NGOs in this process and, in particular, the facilitation of the participation of indigenous NGOs dealing with refugee matters;

(e) Invites Governments to lend financial support to this important initiative;

(f) Requests the High Commissioner to keep the Executive Committee appropriately informed of the follow-up of the PARINAC process.

H. Conclusion on the Former Yugoslavia

28. The Executive Committee,

Expressing grave concern over the continuing unprecedented scope and magnitude of the emergency in the former Yugoslavia, particularly in Bosnia and Herzegovina,

Underlining the lead-agency role within the United Nations played by UNHCR and its joint efforts with WFP, WHO, UNICEF, ICRC and NGOs in mobilizing and distributing life-saving emergency supplies,

(a) Urges all Governments and Parties concerned to ensure that the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia continues to be implemented fully, including all its constituent elements, and complemented by political efforts;

(b) Calls upon Governments and the international donor community to continue contributing generously to the United Nations Consolidated Inter-Agency Programme of Action.

I. Decisions on Programme, Administrative and Financial Matters

29. The Executive Committee,

Having reviewed the information contained in the document entitled UNHCR Activities Financed by Voluntary Funds: Report for 1992-1993 and Proposed Programmes and Budget for 1994 (document A/AC.96/808, Parts I-VI); the Overview of UNHCR Activities: Report for 1992-1993 (A/AC.96/813); the Update of UNHCR Programmes and Funding Projections for 1993 and 1994 (EC/1993/SC.2/CRP.19); and the note on UNHCR Evaluation Activities (A/AC.96/809),

Having taken note of the document entitled Voluntary Funds Administered by the United Nations High Commissioner for Refugees: Accounts for the Year 1992 (A/AC.96/811) and the Report of the Board of Auditors thereon (A/AC.96/812),

Welcoming the Report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on UNHCR Activities Financed from Voluntary Funds: Report for 1992-1993 and Proposed Programmes and Budget for 1994 (A/AC.96/816),

Noting the documentation on the review of UNHCR's programming (EC/1993/SC.2/CRP.20), UNHCR's emergency response capacity (EC/1993/SC.2/CRP.21), refugees and the environment (EC/1993/SC.2/CRP.22), voluntary repatriation (EC/1993/SC.2/CRP.23), international procurement (EC/1993/SC.2/CRP.24), the categorization of posts (EC/1993/SC.2/CRP.25), human resources management (EC/1993/SC.2/CRP.26), the Office of the Inspector for Operational Activities (EC/1993/SC.2/CRP.28), and the new UNHCR Headquarters premises (EC/1993/SC.2/CRP.29), the evaluation of UNHCR as requested by the Committee for Programme and Coordination (CPC) (E/AC.51/1993/2 and A/48/16 (Part I)) and WFP/UNHCR cooperation (EC/1993/SC.2/CRP.31),

(a) Approves the country and area programmes and the overall allocations for the 1994 General Programmes amounting to $ 418,523,000 (including $ 25 million for the Emergency Fund and $ 20 million for the General Allocation for Voluntary Repatriation) as contained in document A/AC.96/808 (Parts I-VI), and as shown in column 8 of Summary Table 2 of document A/AC.96/813; and recognizes that given the current proposed estimates for Special Programme activities from 1994, overall estimated financial requirements will amount, subject to the availability of funds, to some $ 1.2 billion;

(b) Requests UNHCR to present to the next inter-sessional meeting of the Sub-Committee on Administrative and Financial Matters any revised

programme and contingency needs under the 1994 General Programmes and an assessment of funding prospects for the 1994 General Programmes;

(c) Authorizes the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocations as may be required by changes affecting the refugee or returnee programmes for which they were planned, using the General Programmes Reserve where necessary, and to report such adjustments to the Executive Committee at its forty-fifth session;

(d) Approves the transfer in 1994 of up to $ 300,000 from the Programme Reserve to the Fund for International Staff Housing and Basic Amenities;

(e) Requests that UNHCR continue to keep the Executive Committee informed, through regular reports to the Sub-Committee on Administrative and Financial Matters, of developments in relation to Special Programmes;

(f) Asks UNHCR to take immediate steps to develop an audit strategy which will address the issues raised in the report of the Board of Auditors;

(g) Expresses its appreciation for the very strong donor support to UNHCR and, in view of the demands on the Office, calls on donors to continue their support so as to assure the timely and full funding of current activities as well as those programmed for 1994, especially priority activities grouped under General Programmes, it being understood that their implementation is subject to the availability of voluntary contributed funds;

(h) Renews its appeal for the early announcement of pledges, particularly at the Pledging Conference, so as to facilitate the planning and implementation of activities, and asks that pledges, if earmarked, be done so in the broadest possible way;

(i) Reiterates its call to those Governments which do not contribute to UNHCR or which could increase their contributions, and are in a position to do so, to provide financial support in a spirit of international burden-sharing;

(j) Welcomes the initiative taken by the High Commissioner to improve the Office's programme management and operational capacity, and asks that the Sub-Committee on Administrative and Financial Matters be informed at its inter-sessional meetings of progress on the implementation of the Working Group's recommendations, especially related training initiatives necessary to give effect to the recommendations;

(k) Expresses appreciation of the sustained efforts by UNHCR to enhance further its emergency response capacity and for the contribution by the various governmental and non-governmental bodies in assuring a range of stand-by capacities so as to enable the Office to respond expeditiously to emergencies;

(l) Notes with satisfaction the work being done by the Senior Coordinator for the Environment, especially the development of Guidelines for refugee-related environmental projects and related databases and asks that the Sub-Committee on Administrative and Financial Matters at a future inter-sessional meeting review these Guidelines and related issues, especially the financial implications of any refugee-related environmental projects;

(m) Welcomes the regular presentation of updates on voluntary repatriation movements and underlines the value of such reports;

(n) Requests that the Sub-Committee on Administrative and Financial Matters be kept informed of progress by UNHCR in improving its systems and procedures for international procurement, in particular its response to the observations of the Board of Auditors on this issue;

(o) Approves, in the light of the comments of the Advisory Committee on Administrative and Budgetary Questions (ACABQ), the proposed changes in the method of categorizing posts and requests that, as of 1 January 1994, staffing and budgetary tables reflect these changes;

(p) Expresses appreciation for the initiative of the High Commissioner in proposing the establishment of an Inspector of Operational Activities, and in the light of the comments of the ACABQ, requests the High Commissioner to pursue vigorously improved oversight of operational activities through appropriate mechanisms and keep the Sub-Committee on Administrative and Financial Matters informed;

(q) Stresses the importance of the evaluation function and of integrating the results of evaluation activities into policy development and programme design, and requests that this importance be reflected in resource allocations made by the Office;

(r) Requests UNHCR to undertake evaluations in collaboration with donor countries and other organizations, especially in the case of complex emergencies;

(s) Notes the information provided on the new UNHCR Headquarters premises, and asks that the comments of the ACABQ be taken into account in negotiations with the host government;

(t) Notes with satisfaction the work being done by the World Food Programme and UNHCR in reviewing the Revised Working Arrangements for refugee food aid operations and asks that the Sub-Committee on Administrative and Financial Matters be briefed at a future inter-sessional meeting on the outcome of the negotiations;

(u) Requests UNHCR, in accordance with the conclusions on agenda item 2 (a) of the coordination segment of the Economic and Social Council (ECOSOC) (1993), to continue to cooperate fully, within the framework of the Inter-Agency Standing Committee, with the Department of Humanitarian Affairs, as well as UNICEF, UNDP, WFP and other funds, agencies and

programmes of the United Nations system, as well as the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the International Organization for Migration and NGOs;

(v) Welcomes the Update on UNHCR's Human Resources Management strategy, especially progress in regard to the development of a UNHCR career management system, urges prompt implementation of the strategy and asks that the Sub-Committee on Administrative and Financial Matters be kept regularly informed of developments on this system and other human resource management issues, especially progress in relation to the status of women in the Office;

(w) Notes with concern the growing security threats to the staff of UNHCR in the discharge of their humanitarian work, and welcomes the initiatives already taken by the High Commissioner to address this issue, as well as the recent initiatives taken by the General Assembly and the Security Council to consider further steps to enhance the status and safety of United Nations personnel involved in its operations, and requests that similar arrangements should be considered for all related personnel, including contract staff and non-governmental organizations (NGO) staff who are engaged in these operations;

(x) Requests UNHCR to pursue its review of the hardships faced by staff in extremely difficult and security-risk duty stations, noting that, inter alia, the issue of compensation in such situations deserves review and that specific proposals need to be developed on an inter-agency basis;

(y) Asks that UNHCR revert to the Executive Committee on the question of documentation that is presented to it, bearing in mind the comments of the ACABQ on this subject.

J. Decision on Internally Displaced Persons

30. The Executive Committee,

Considering the provisions of the General Conclusion on International Protection adopted by the forty-fourth session of the Executive Committee regarding internally displaced persons, notably its paragraphs (s) and (ff),

(a) Requests the Sub-Committee on Administrative and Financial Matters to review the financial and programmatic implications of the cuttent UNHCR activities, including information, related to internally displaced persons.

K. Provisional Agenda of the forty-fifth session of the Executive Committee

31. The Committee adopted by consensus the following provisional agenda of the forty-fifth session of the Executive Committee:

1. Opening of the session
2. Election of Officers
3. Adoption of the agenda and other organizational matters
4. General debate
5. Programme, financial and administrative matters
6. Participation of Government observer delegations
7. Consideration of the provisional agenda of the forty-sixth session of the Executive Committee
8. Any other business
9. Adoption of the draft report of the forty-fifth session
10. Closing of the session

L. Government observer participation in 1993-1994

32. The Executive Committee reviewed and approved the applications of the following Government observer delegations for participation as observers at its sub-committees, as well as the informal meetings of the Executive Committee during 1993 and 1994:

Bangladesh, Benin, Bhutan, Bolivia, Bulgaria, Burundi, Cameroon, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Dominica, Egypt, El Salvador, Estonia, Ghana, Honduras, India, Ireland, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Myanmar, Nepal, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Uruguay, Viet Nam, Yemen, Zimbabwe

Opening Statement by the United Nations High Commissioner for Refugees at the forty-fourth session of the Executive Committee of the High Commissioner's Programme

(Monday, 4 October 1993)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

I am pleased to welcome you to this forty-fourth session of the Executive Committee. It is good to see old friends and greet new ones. It is also encouraging to see an ever-growing number of NGOs attend our meetings.

Let me extend a special word of thanks to the outgoing Chairman, Ambassador Lanus of Argentina. During the past year, Ambassador Lanus has taken a strong interest in our activities. We still recall the lively and thought-provoking report on his trip to Southern Africa as Chairman. May I also congratulate the new Bureau of the Executive Committee. Your wisdom and guidance will be of tremendous value to my Office during the coming year.

I should like to begin by paying a special tribute to the many heroic staff working in the field, particularly those who during the past year risked or lost their lives while serving others. They have been the pioneers as we seek new frontiers in terrains of uncertainty and peril. Security is a matter of special concern to me, as our staff and other humanitarian workers become targets of deliberate attacks. I have strongly condemned these callous acts, and I am grateful to the Secretary-General for his repeated calls to the international community to prosecute and punish those responsible.

I have just returned from a visit to Iran, Pakistan and Afghanistan. It brought home to me once again the reality of UNHCR's action in today's world. I visited two of the most generous asylum countries, which together hosted more than six million Afghan refugees for over a decade. Indeed, Iran has the largest refugee population in the world today. Fortunately, this region is experiencing repatriation on an enormous scale. But the hope for a lasting solution depends greatly on the improvement of conditions inside Afghanistan. Moreover there are fears of new outflows, as instability and internal displacement mark some of the countries bordering the region. The trip highlighted many of the issues on which I wish to speak to you today: the challenge of solutions; prevention and presence; protection and asylum; and the need for resources.

I would like to raise these issues from the perspective of a humanitarian organization operating in a world which is still groping for a new order. The major challenges confronting the United Nations today -- the challenge, on the one hand, of maintaining peace and security and, on the other, of promoting economic and social development -- are both directly

relevant to the humanitarian work of my Office. Our close collaboration with the UN's political initiatives is essential in order to be able to solve refugee problems. Our close coordination with the UN's development activities is critical to ensure the viability of those solutions. Humanitarian assistance can make an important contribution to the peace-keeping and peace-making efforts of the UN. However, as the former Yugoslavia so clearly demonstrates, humanitarian endeavours cannot replace peace settlements nor become a substitute for political negotiations.

Solutions: Challenge of Repatriation

It is against this background that I turn to the issue of solutions to refugee problems. In Iran I saw long convoys of buses with Afghan refugees moving homewards to a country where security is fragile and economic prospects dim. Since the inception of the programme, some 2.5 million Afghan refugees have gone home, 1.9 million of them with the assistance of UNHCR. While the numbers are impressive, I cannot but be concerned about the reintegration possibilities. Lack of funds is severely inhibiting the continuation of UNHCR's repatriation activities, particularly in Iran, as well as the UN's humanitarian assistance operation inside Afghanistan.

Two years ago at this EXCOM, I predicted the beginning of a decade of voluntary repatriation. Since then more than three million refugees have returned home. In the course of the past year alone, refugees have returned to Tajikistan, Ethiopia, Somalia, Burundi, South Africa and Guatemala. Earlier this year, we successfully completed, under the most complex conditions, the return of more than 370,000 refugees to Cambodia. Preparations for return to Mozambique are now complete. The first organized movements from Zimbabwe have already taken place, to be followed later this month by those from Swaziland and Zambia. Meanwhile, more than 350,000 Mozambicans have returned spontaneously, mainly from Malawi. In this context, I am encouraged by the recent signing of an agreement with the Government of South Africa which will give UNHCR access to Mozambican refugees in that country.

During my visit to Bangladesh last May, I signed a Memorandum of Understanding with the Government on our role in the voluntary repatriation of Myanmar refugees. Following my private visit to Myanmar and a recent programming mission to the area, I am hopeful that a Memorandum of Understanding will be completed soon between the Myanmar Government and my Office, which will pave the way for the safe and voluntary return of the refugees in Bangladesh.

I am disappointed, however, that no solutions have so far materialized for the Bhutanese refugees in Nepal and would like to reiterate the offer of my Office to assist the Governments concerned in this respect. Nor has there been much progress on repatriation to Eritrea and other parts of the Horn of Africa. I call on the Governments to create the opportunities which would allow the refugees to exercise the right to return to their own country.

The desirability, feasibility and necessity of voluntary repatriation as a solution is evident. But so is its fragility, complexity and, at times, elusiveness. Often, refugees are returning to conditions of civil strife or instability, to situations where peace negotiations are still under way or not yet consolidated, to areas where infrastructure has been destroyed. Too many of our repatriation operations are under-funded. Too little investment is made in post-conflict rehabilitation and reconstruction efforts.

Political settlement and economic rehabilitation are closely linked. The international community must show greater willingness to support politically and financially what is not only the best solution to a refugee problem but also an investment in regional and global stability.

If repatriation and reintegration are well-planned, in coordination with other UN agencies, I believe they can lay the foundations for longer-term development. We should not pretend that UNHCR's "quick-impact projects" or QIPs are anything other than a modest, practical tool to assist reintegration by focusing on community needs. Yet, this bottom-up approach, as it were, may be a critical first step on the much-quoted continuum from relief to development. Having successfully moved from Central America to Cambodia, QIPs are now spreading to other operations throughout the world, from Afghanistan to Somalia, from Mozambique possibly to Myanmar.

As refugees go home, so must we. After 14 years, our office in Nicaragua has been phased down and will be closed at the end of the year, after the successful completion of 350 projects to promote the reintegration of returnees. Most of our people on the Cambodia operation have already been redeployed. Last Thursday we closed down our office in Suriname. Phasing out is a difficult but essential undertaking for an organization like ours.

Before I move away from the subject of solutions, let me say a word on resettlement. With repatriation opportunities increasing, there is a need to examine the role of resettlement as a solution, particularly to meet protection needs. I would like to invite interested Governments to further consultations with my Office on this subject.

Prevention: International Presence and Internal Displacement

Let me now turn to prevention. As structures break down, as central authority is challenged, as borders change, international presence in the country of origin is becoming an essential feature of our preventive strategy. Through international humanitarian presence, some measure of confidence, security and relief can be provided to victims of conflict or human rights violations who may otherwise feel compelled to cross borders or be unable to return home. In this sense, there is a close connection between presence, prevention and the pursuit of solutions.

While I was still in Iran, dramatic developments in neighbouring Azerbaijan brought to the forefront the protection and assistance of the internally displaced as an important means of preventing refugee flows. We

are extending protection and emergency assistance to some 210,000 persons in Azerbaijan who have been displaced by the recent fighting. The assistance from our office in Baku is being augmented with cross-border support from our operation in Iran. I decided on this parallel approach after receiving assurances from the Iranian government that the borders would remain open for those who wish to seek asylum. I have alerted the Secretary-General to the situation, seeking his support to mobilize the political will to resolve the problem before it explodes into an even greater crisis.

Although I am heartened by the endorsement of the General Assembly for UNHCR's activities on behalf of the internally displaced, I would like to make it clear that we are not seeking a global mandate for the internally displaced. However, UNHCR is prepared, at the request of the Secretary-General, to intervene on behalf of the internally displaced when our involvement could have a preventive impact on refugee problems. For example, we could provide protection or assistance to displaced people who might otherwise feel compelled to cross the border to become refugees. Another situation might be when the internally displaced are mixed with returning refugees in such a way that reintegration can only be achieved successfully if both groups are assisted. Thus, our involvement with the internally displaced is not an extension of our mandate but an essential ingredient of our strategy to protect refugees by focusing on prevention and solutions.

Obviously, our activities on behalf of the internally displaced must be premised on the necessary funds being available from the international community, and the consent of the country concerned.

Where internal displacement poses a humanitarian problem but there is no link to actual or potential refugee flow, UNHCR's role can only be a limited one, supporting the efforts of other organizations, at the request of the Secretary-General.

Let me, however, underline that UNHCR's contribution in the field of prevention is primarily catalytic and collaborative. As our efforts in Tajikistan and other parts of the former Soviet Union demonstrate, prevention can only work if it is part of a larger international effort to resolve the underlying causes of conflict and ensure respect for human rights. Indeed, I cannot adequately underscore the need for an integrated and comprehensive approach by the UN system in this part of the world, if we are to contain the proliferation of humanitarian crises.

Prevention, like solutions, is cost-effective in the long-term, but cost-intensive in the short-term, often requiring considerable investment, particularly in terms of staffing to ensure presence. I expect the international community to respond more speedily and generously to support these efforts.

Protection: Commitment to Asylum

Prevention must not be pursued as an alternative to asylum, but rather in addition to it. The possibility of asylum must continue to remain open for those who seek it. While I am encouraged by the developments to provide temporary protection in situations of large-scale movements, I am also concerned by the fact that major reversals can be observed in the commitment to asylum. The cardinal principle of non-refoulement is being flouted in some parts of the world, by those very States which support our international action most generously elsewhere.

As I said in my address to the International Conference for the Protection of War Victims, held here in Geneva recently, the human suffering of two World Wars led to the emergence of certain cardinal legal and moral values to protect the individual, including the right to seek and enjoy asylum. Those States that are tempted to curb this right should carefully consider the pervasive and unscrupulous nature of military conflict today. Let us all remember, particularly in the industrialized world, that wars and their appalling human consequences are not so remote in our histories. We had wanted, then, for the right of asylum to be more widely recognized, and more generously granted to those fleeing from countries that today contemplate restricting that very right. At a time when Europe is once again the scene of conflict and the source of large refugee outflows, the need for protecting refugees has never been greater. If there is legitimate concern over how to manage irregular migratory flows, other means must be found to address it. I call upon this Committee to continue to support our unique protection mandate.

Emergencies: Preparedness and Response

International protection must be accompanied by rapid and effective emergency response. During the past year, UNHCR's capacity to respond to emergencies has been tested with some success in Armenia, Azerbaijan, Afghanistan, Tajikistan, Ghana, Benin, Uganda and Liberia. We are right now assessing emergency needs and providing some relief material to those displaced recently in Georgia.

Our emergency operation in the former Yugoslavia has expanded enormously since we first began almost two years ago. We are today assisting some 2.7 million people who are displaced and besieged in Bosnia and Herzegovina, in addition to over 1.3 million Bosnian refugees in neighbouring Croatia, Serbia and Montenegro. Prolonged war into a second winter, the vicious and total disregard of humanitarian norms and the consequent security threats raise serious questions about how long a civilian operation -- by my Office and others -- can continue under these circumstances.

The spiral of emergencies has led us to further strengthen our preparedness and response capacity through standby arrangements. A total 123 Nordic staff were deployed to operations in 16 countries over the past two

years, following our arrangements with the Danish and Norwegian Refugee Councils. A similar arrangement is now in place with the United Nations Volunteers, and we are exploring comparable measures with other bodies. We are also strengthening our partnership agreement with WFP to ensure that, together, we are better equipped to respond to all food emergencies.

I am grateful to this Committee for increasing the Emergency Fund to US$ 25 million and the ceiling for any single emergency to US$ 8 million. At the same time, I am concerned that many of the so-called "silent" or "invisible" emergencies are not funded or only inadequately so. Let us treat all emergencies equally as a matter of life or death for the refugees. UNHCR's responsibility is global -- so should be our response.

Management: Programmes and Resources

Enhanced accountability and better delivery of programmes are both issues to which, as you know, I am deeply committed. In addition to our now well-established Emergency Preparedness and Response Teams, we have created a pool of emergency administrative staff to ensure that rapid response is coupled with improved accountability.

In the pursuit of better programme delivery, I established an internal Working Group on Programme Management and Operational Capacity. Its recommendations focus on greater delegation to the field and a modified UNHCR programming cycle to allow integrated planning and enhanced monitoring and reporting. We are now in the process of implementing the Working Group's recommendations.

My ultimate goal is to create an institutional culture where effective performance, efficiency and accountability are prized objectives. This is linked not only to improved programming but also better human resources management. In the course of this year, an ambitious plan of action has been developed to cover such aspects as recruitment, career planning, training and performance evaluation. Steps are being taken to strengthen the Division of Human Resources Management with the necessary technical expertise to carry out the plan.

I mentioned at the outset my deep preoccupation about the difficult and dangerous conditions to which many UNHCR staff are daily exposed. The Field Safety Coordination Unit, established in January this year, has undertaken a number of specific measures to improve staff security, in close coordination with UN Headquarters and other agencies. We have also made a modest beginning on stress-management, a small but nevertheless important recognition of a serious problem affecting those who are working under the most demanding conditions.

From human resources let me move to financial ones. Our General Programmes, which benefit some 13 million of the world's 19 million refugees and support most of our worldwide protection responsibilities, is seriously under-funded. Although our needs are going up, as reflected by the Executive Committee's decision to increase this year's target to US$ 413 million, the

contributions of a number of our most important donors will be well below the 1992 level. With our carry-over from last year, we will probably cover our 1993 General Programmes budget. But what really worries me is the funding of the 1994 General Programmes and a number of Special Programmes, particularly the repatriations to Mozambique, the Horn of Africa, and possibly Liberia. If programmes are cut back, I am afraid the first to suffer will be those services which benefit most the refugee women and children.

I would like to appeal strongly to as many Governments as possible to announce contributions at the Pledging Conference in New York on 10 November. A generous response then and in the remaining months of this year will make the early days of 1994 less gloomy.

Partnership: A Comprehensive Strategy

The gap is clearly growing between what we are asked to do and what we can do. As a turbulent world searches for a new equilibrium, there is no doubt that UNHCR will continue to face many demands in the next few years. I believe that our main focus will remain on Africa. But we may also have to respond to new and ongoing emergencies, increasingly in areas where we have never operated before, and where severe winters will require intensive measures to meet shelter and energy needs. At the same time, repatriation opportunities will continue to demand more resources.

To meet this challenge, we will have to look both internally and externally. Internally, to improve our own performance and accountability. Externally, to work with others to enhance our capacity, maximize our resources and enlarge the support for a coherent and comprehensive strategy on refugee problems.

I see a pentagonal, or five-point, partnership ahead.

Firstly, we must continue to work closely with the political arms of the UN and regional organizations to ensure that UNHCR's humanitarian response is paralleled by political initiatives to resolve refugee-producing conflicts. The dangerously recurrent nature of many refugee emergencies, particularly in Africa, only underlines the strong need for the international community to make concerted and energetic efforts to pursue political solutions.

With humanitarian action becoming an important component of many peace-keeping or peace-making operations, the challenge is to ensure that the independent, non-political and impartial nature of humanitarian action is preserved, perceived as such and respected by all. We must redouble our efforts to adhere strictly to the fundamental neutral and non-political principles that have governed our policies and programmes, that have given my Office the credibility without which we cannot hope to operate in any meaningful way.

Secondly, we should continue to develop our cooperation with the humanitarian organizations, within the UN system and outside, so as to maximize our comparative advantages. I look forward to continued close collaboration with the Department of Humanitarian Affairs in its efforts to mobilize the system's response to complex emergencies and address the continuum from relief to development.

Furthermore, as we operate increasingly in situations of conflict, we must deepen further our institutional contacts with the International Committee of the Red Cross to enhance our complementarity.

Equally, the linkages between migration and refugee flows call for strengthening of our partnership with International Organization for Migration. I place particular importance on our joint programmes of mass information, which help people to be informed about the opportunities and consequences of their movement before they decide to leave their homes.

Thirdly, the non-governmental organizations are our quickest partners in emergency response, our strongest advocates on international protection. Their community-based approach is an asset in bridging the gap between relief and development. Their ability to mobilize public support and donor assistance is critical at a time of heightened demands. The decision to award the Nansen medal this year to Médecins sans Frontières is a recognition of the NGO contribution to the refugee cause. UNHCR has initiated a process of consultation with NGOs, called PARINAC (Partnership in Action), which is intended to lay the basis for enhanced and improved future NGO/UNHCR collaboration. Six preparatory regional meetings will culminate in a global conference at Oslo in June next year.

Fourthly, we must further deepen our collaboration with UNDP, UNICEF and other development organizations. We are exploring partnership arrangements with the World Bank and regional banks, which have an important role in addressing the economic and social causes underlying coerced movements as well as in post-conflict reconstruction to consolidate peace settlements.

Finally, last but not the least, I count on the continued cooperation and support of Governments, whether countries of origin, asylum or donors. I am deeply grateful for the contribution of countries of asylum which cannot be quantified. I am grateful also to our major donors who, despite all difficulties, have responded magnificently over the last couple of years. Nevertheless, I must appeal to them, once again, in the strongest terms, to do everything possible to maintain, as a minimum, their level of contribution to UNHCR.

Mr. Chairman, during the last three years, I have visited 46 countries. During the same period, the number of refugees has increased from 15 to 19 million. Some five million refugees have returned home. We have seen our budget soar from US$ 544 million to almost US$ 1.3 billion, our staff rise from 2400 to almost 4000 persons. Dramatic developments have been matched by explosive growth.

Looking back over the past three years, and looking ahead, I am more than ever convinced that our mission is as unique as it is gratifying. I am deeply appreciative of our privileged partnership with members and observer States of this Executive Committee, the UN system, international and non-governmental organizations. Together, we must continue our pursuit of protection and solutions for the world's refugees. Our strategy must be based on partnership, our approach on solidarity. Our goal must be human security for all. I commit my Office to this course.

Thank you, ladies and gentlemen. Thank you, Mr. Chairman.